

TOWN CLERK

Town of Upton



Massachusetts

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CERTIFICATION OF PROCEEDINGS

**THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF UPTON
SPECIAL TOWN MEETING**

March 31, 2009

Called to order at 7:30 pm by Moderator David Loeper.

During this meeting, 119 voters were checked in to the Nipmuc Regional Middle/High School by Barbara Burke and M. Denise Smith meeting the necessary quorum of 40 voters.

By unanimous vote, guests present were Jon Miguel, Cable Access; Fred Aponte, Town Accountant; Michelle Sanford, Town Crier; Jeff Gruber, Anthony Ward, Dean Zaslow, Ryan Flodstrom, Patrick Nigro, Ben Thompson and Charles Marokhovsky, Boy Scouts.

Chairman of the Board of Selectmen, Robert Fleming addressed the voters. He introduced the new Town Accountant, Fred Aponte to the audience. Also, Selectmen Fleming recognized the Town's new patrol officer, Matthew Rankins. Lastly, Selectmen Fleming led the voters in the Pledge of Allegiance.

ARTICLE 1: Upon motion of Michael Goodwin, it was moved that the Town vote to transfer the sum of One hundred forty-two dollars and eight cents (\$142.08) from the Community Preservation Act Reserved Fund Balance Undesignated FY2005 to the Recreation-Irrigation System Account, as requested by the Department of Revenue (DOR).

Favorable recommendation from the Community Preservation Committee

Moderator declared the motion passed unanimously

ARTICLE 2: Upon motion of Ken Picard, it was moved that the Town vote to transfer a total of Thirty-five thousand three hundred fourteen dollars and fifty-two cents (\$35,314.52) from the "Prior Year Appropriations Account Balances" as follows: 02-171-5200-5301 for \$702.24, 02-221-5800-5890 for \$339.28, and 02-241-5200-5241 for \$34,273.00 to the General Stabilization Fund Account.

Favorable recommendation from the Finance Committee

Moderator declared the motion passed unanimously

ARTICLE 3: Upon motion of Robert Fleming, it was moved that the Town vote to appropriate from available unappropriated funds in the treasury the sum of Ten thousand dollars (\$10,000.00) for the purpose of a supplemental appropriation to the DPW – Wages Account, (01-421-5100-5100), for “the cost of overtime compensation”.

Favorable recommendation from the Finance Committee

Moderator declared the motion passed unanimously

ARTICLE 4: Upon motion of Robert Fleming, it was moved that the Town vote to appropriate from available unappropriated funds in the treasury the sum of Fifty thousand dollars (\$50,000.00) for a supplemental appropriation to the DPW Water Maintenance Account, # 01-450-5400-5532, for the remainder of FY09, due to the increased cost of required chemicals.

Favorable recommendation from the Finance Committee

Moderator declared the motion passed unanimously

ARTICLE 5: Upon motion of Kelly McElreath, it was moved that the Town vote to appropriate from available unappropriated funds in the Treasury the sum of One thousand two hundred dollars (\$1,200.00) to the Elections and Town Meetings Account.

Favorable recommendation from the Finance Committee

Moderator declared the motion passed unanimously

ARTICLE 6: Upon motion of Ken Picard, it was moved that the Town vote to appropriate from available unappropriated funds in the treasury the sum of Twelve thousand nine hundred twenty-four dollars (\$12,924.00) for the purpose of making payment for “Aged Invoices” from Tata & Howard Incorporated, the Towns Water Engineering Firm, for the following aged invoices: T&H Job No. 1293-01 for \$6,728.02, T&H Job No. 1412-06 for \$5,304.60, and T&H Job No. 1412-01 for \$891.38.

Favorable recommendation from the Finance Committee

Moderator declared this motion needs a 9/10 majority

Moderator declared the motion passed unanimously

ARTICLE 7: Upon motion of Michael Goodwin, it was moved to pass over Article 7.

Favorable recommendation from the Finance Committee

Moderator declared the motion passed unanimously

ARTICLE 8: Upon motion of Charles Marsden, it was moved that the Town of Upton vote to revoke (effective only after a favorable town/state ballot election) Article #8 of the Special Town Meeting held March 20, 2003 and reject sections 3 to 7, inclusive, of Chapter 44B of the General Laws, as summarized herein; Sections 3 to 7 of Chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act, establish a dedicated funding source to acquire and preserve land for parks and recreation, open space, and protection of public drinking water supplies, to restore and preserve historic properties, to protect farm land and forests from future development, and to help meet the housing needs of low income families and moderate income seniors. In Upton, the Community Preservation Act is funded by a surcharge of 3% on the annual property tax assessed on real property and by matching funds provided by the state. The additional surcharge excludes the first \$100,000 of value of each parcel of residential real property and was implemented starting in the 2004 fiscal year. A taxpayer receiving a regular property tax abatement or exemption also received a pro rata reduction in the surcharge. A Community Preservation Committee composed of local citizens makes recommendations on the use of the funds, and all expenditures require a vote of Town Meeting and are subject to an Annual Audit.

Town Clerk, Kelly McElreath addressed the voters to explain that in order to rescind the CPA surcharge, a vote at Town Meeting AND at a Town or State Ballot Election was needed. There needs to 35 day notice in order to place the question on a Town Ballot Election. Since there was not 35 days before the Annual Town Election on May 4, 2009, this question would not appear on that ballot. Also, since there were not any State Elections in 2009, the question to rescind the CPA, if passed now, would appear on the May 2010 Town Election.

Upon motion of Robert Fleming, it was moved to question

The Moderator declared the motion passed unanimously

The Moderator declared the motion lost

Upon motion of William Young, it was moved to dissolve this warrant and adjourn the Special Town Meeting at 8:20 pm.

Motion passed by majority

A True Copy,
ATTEST:

Kelly A. McElreath
Town Clerk